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8 Attorneys for Defendant ARISTA NETWORKS, INC.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 CISCO SYSTEMS, INC.,

13 Plaintiff,

14 v.

15 ARISTA NETWORKS, INC.,

16 Defendant.

Case No. 5:14-cv-05344-BLF (PSG)

**DECLARATION OF EDUARDO E.
SANTACANA IN SUPPORT OF REPLY
RE: MOTION TO AMEND SCHEDULING
ORDER OR, ALTERNATIVELY, TO
STAY PATENT CLAIMS PENDING
INTER PARTES REVIEW**

Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: August 1, 2016

1 I, EDUARDO E. SANTACANA, declare and state as follows:

2 1. I am an attorney licensed to practice law in the State of California and an associate
3 at the law firm of Keker & Van Nest LLP, counsel for Defendant Arista Networks, Inc. in the
4 above-captioned action. I am admitted to practice before this Court.

5 2. I have personal knowledge of the facts set forth herein, and if called upon to testify
6 as a witness thereto, I could do so competently under oath.

7 3. Attached hereto as **Exhibit A** are true and correct excerpts of the transcript of the
8 deposition of Kirk Lougheed, which took place on November 20, 2015.

9 4. Attached hereto as **Exhibit B** is a true and correct copy of the Introduction section
10 and filing receipt of Arista's Petition for *Inter Partes* Review of U.S. Patent No. 7,953,886, which
11 Arista filed with the U.S. Patent & Trademark Office Patent Trial and Appeal Board on
12 November 24, 2015.

13 5. On November 23, 2015, Cisco served a supplemental response to Arista's
14 Interrogatory 16. That response included an amended list of "author/originator information" for
15 Cisco's asserted CLI commands. The supplemental response lists twelve additional individuals.
16 For 133 of the asserted commands, Cisco lists no individuals. For twenty-five commands, Cisco
17 removed the individuals who had previously been listed.

18 6. Cisco's supplemental response also states that Kirk Lougheed is the author of the
19 asserted CLI hierarchies, modes, and prompts. The response also lists Mr. Lougheed next to four
20 CLI commands for which he was not previously listed.

21 7. On November 9, 2015, counsel for Arista sent an e-mail message to counsel for
22 Cisco proposing alternative ESI custodians because Cisco has previously stated it had no
23 custodial ESI for six of Arista's originally proposed custodians. Cisco responded on November
24 24, 2015, stating that for nine more proposed custodians, it has no custodial ESI.

25 8. Cisco has not completed custodial document production for any custodians other
26 than Kirk Lougheed, Jeffrey Wheeler, and Jung Tjong.

27 9. On November 15, 2015, counsel for Arista served a letter on counsel for Cisco
28 electronically requesting deposition dates for ten CLI-related individuals. Cisco responded on

1 November 24, 2015, stating that nine of them do not work at Cisco, and that counsel for Cisco are
2 just beginning to contact those individuals to discuss potential deposition dates.

3 I declare under penalty of perjury under the laws of the United States that the foregoing is
4 true and correct, and that this declaration was executed on November 25, 2015, in San Francisco,
5 California.

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Eduardo E. Santacana